

1 HONORABLE MARSHALL FERGUSON  
2 Motion for Preliminary Injunction  
3 Noted with Argument: November 26, 2019, at 9 a.m.  
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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
9 IN AND FOR THE COUNTY OF KING

10 GARFIELD COUNTY  
11 TRANSPORTATION AUTHORITY;  
12 KING COUNTY; CITY OF SEATTLE;  
13 WASHINGTON STATE TRANSIT  
14 ASSOCIATION; ASSOCIATION OF  
15 WASHINGTON CITIES; PORT OF  
16 SEATTLE; INTERCITY TRANSIT;  
17 AMALGAMATED TRANSIT UNION  
18 LEGISLATIVE COUNCIL OF  
19 WASHINGTON; and MICHAEL  
20 ROGERS,

21 Plaintiffs,

22 v.

23 STATE OF WASHINGTON,

24 Defendant.

25  
26  
27 No. 19-2-30171-6 SEA

28 DECLARATION OF MICHAEL  
29 ROGERS IN SUPPORT OF  
30 PLAINTIFFS' MOTION FOR  
31 PRELIMINARY INJUNCTION

32 I, MICHAEL ROGERS, declare as follows:

33 1. I am one of the plaintiffs in the above-captioned matter and a resident of Lacey,  
34 Washington. I am over the age of eighteen and am competent to make this declaration. I have  
35 personal knowledge of the facts stated herein, which facts are true and correct.

36 2. I have cerebral palsy, which is a group of disorders that affect a person's ability to  
37 move and maintain balance and posture. As a result, I am unable to move any distance without  
38 the use of a wheelchair. I am also unable to drive a vehicle and, as a result, I am entirely reliant

1 on transit and paratransit services to travel anywhere outside of the short distances I can travel  
2 using my wheelchair.

3       3.     My wife also has cerebral palsy and uses a wheelchair. We do not have access to  
4 an accessible vehicle that can accommodate a power chair. As a result, we do not rely on family  
5 to transport us. Instead, my wife and I both use transit to visit our family.

6       4.     I use transit or paratransit services multiple times per day. Most of the time I use  
7 fixed route bus service. I also have conditional approval to use paratransit service when  
8 conditions require, such as during inclement weather.

9       5.     For 23 years, I have worked a full-time, year-round job in Lacey. I take the  
10 Intercity Transit 64 or 66 bus every day to travel between my residence and my office, unless I  
11 utilize paratransit services. I require reliable and timely bus and paratransit service in order to  
12 get to work on time.

13       6.     During baseball season, I also work a part-time, weekend job for the Seattle  
14 Mariners. Since I was very young, it has always been my dream to work for the Mariners, so this  
15 job is extremely important to me. To travel to my Mariners job, I commute from Lacey to  
16 Seattle, using multiple transit systems. Although my commute can occasionally vary, I typically  
17 first travel from my home in Lacey to the Martin Way Park and Ride in Lacey using fixed route  
18 bus service on Intercity Transit. At the Martin Way Park and Ride, I transfer to Intercity Transit  
19 bus route 612/620, which I ride to the SR-512 Park and Ride in Lakewood. From there, I  
20 transfer to Sound Transit regional bus service to T-Mobile Park in Seattle. The entire commute  
21 takes me more than two hours each way.

22       7.     My commute to my job with the Seattle Mariners was featured in a video made by  
23 the Washington State Transportation Commission entitled “Mobility: Making Connections” and

1 is available at <https://www.wtp2040andbeyond.com/media>. A true and correct copy of the video  
2 is also attached to this Declaration as **Exhibit A**.

3       8. Without efficient and effective transit and paratransit services, I would be unable  
4 to participate in any of the necessary activities of daily life. I rely on paratransit and transit  
5 services to travel to my full-time and part-time jobs, medical appointments, the grocery store,  
6 community activities, volunteer undertakings, and to visit friends and family. In addition to the  
7 specific bus routes I identify above for my commute to work, I use a variety of other transit  
8 routes for these purposes, including routes throughout the Intercity Transit system and on other  
9 transit systems.

10      9. On at least one occasion, a snowstorm stopped transit services to my residence.  
11 As a result, my wife and I were unable to leave the house to purchase food or other basic  
12 necessities. We contacted Intercity Transit paratransit service for assistance, and they were able  
13 to provide transportation to the grocery store. Without this service, we would have run out of  
14 food.

15      10. The reduction in transit and paratransit services and service delays due to  
16 increased congestion caused by Initiative 976 will have an extremely negative impact on my life.  
17 I understand that loss of funding to Intercity Transit is likely to reduce service on the routes I use  
18 to travel. If I cannot access timely and reliable transit and paratransit services, I will not be able  
19 to continue working my job, go to necessary medical appointments, or secure food for my  
20 family. Additionally, I am extremely concerned that the additional time it will take me to  
21 commute from Lacey to Seattle for my job with the Mariners, or the elimination of service  
22 between Thurston and Pierce County will make it impossible for me to continue to work my  
23 dream job.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of November, 2019 at Lacey, Washington.

Michael Rogers  
Michael Rogers

# EXHIBIT A

1 HONORABLE MARSHALL FERGUSON  
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24 ROGERS,

25 Plaintiffs,

26 v.

27 STATE OF WASHINGTON,

Defendant.

No. 19-2-30171-6 SEA

NOTICE OF FILING PHYSICAL  
ITEMS WITH THE CLERK

20 Exhibit A to the Declaration of Michael Rogers filed in support of Plaintiffs' Motion for  
21 Preliminary Injunction is a video that is being filed in physical CD form with the King County  
22 Superior Court Clerk's Office. This submission cannot be converted to a scanned electronic  
23 image. The item will remain in the Clerk's custody until appropriate disposition pursuant to the  
24 Local Rules of King County Superior Court.

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27 NOTICE OF FILING PHYSICAL ITEMS WITH THE  
CLERK - 1

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DATED this 18<sup>th</sup> day of November, 2019.

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Garfield County Transportation Authority,  
Intercity Transit, Amalgamated  
Transit Union Legislative Council of  
Washington, and Michael Rogers*

NOTICE OF FILING PHYSICAL ITEMS WITH THE CLERK - 2

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